

## **ETHICS COMMITTEE**

**DATE:** March 18, 2010

**CALLED TO ORDER:** 6:00 p.m.

**ADJOURNED:** 6:07 p.m.

### **ATTENDANCE**

#### ATTENDING MEMBERS

Ginny Cain, Chairwoman  
Robert Lutz  
Brian Mahern  
Mary Moriarty Adams

#### ABSENT MEMBERS

José Evans  
Christine Scales

### **AGENDA**

PROPOSAL NO. 34, 2010 - amends the Code to make technical corrections regarding when economic statements of interest need to be filed  
"Do Pass"

Vote: 4-0

## **ETHICS COMMITTEE**

The Ethics Committee of the City-County Council met on Thursday, March 18, 2010. Chairwoman Ginny Cain called the meeting to order at 6:00 p.m. with the following members present: Robert Lutz, Brian Mahern, and Mary Moriarty Adams. Absent were José Evans and Christine Scales. General Counsel, Robert Elrod, represented Council staff.

Chairwoman Cain asked all members of the Committee to introduce themselves and state which district they represent.

PROPOSAL NO. 34, 2010 - amends the Code to make technical corrections regarding when economic statements of interest need to be filed

Mark Mertz, Assistant Corporation Counsel, distributed a handout (attached as Exhibit A). He said that when the Council passed the new Ethics ordinance in 2008 for the officials, appointees and employees of the city and county, Sec. 293-321 was part of that change. He said that this particular section listed the officials and employees who had to file an economic statement of interest and included City-County Councillors. Mr. Mertz said that in 2009, the Council passed the ethical consideration for Councillors and amended this section and removed City-County Councillors from the list (as shown on Exhibit A). Mr. Mertz said that, however, the amendment did not include Sec. 293-322, which referred back to Sec. 293-321. As a result, Sec. 293-322 refers to some incorrect subsections of Sec. 293-321. He said that Proposal No. 34, 2010 simply makes the necessary corrections to Sec. 293-322.

Councillor Moriarty Adams moved, seconded by Councillor Lutz, to forward Proposal No. 34, 2010 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 4-0.

Mr. Elrod said that some Councillors have suggested that the Ethics Committee review some of the questions on the Ethics Disclosure Form in the future. He said if some changes are made to the form, there may need to be some changes to the ordinance.

Councillor Lutz asked if the Committee is required to make suggestions annually. Mr. Elrod answered in the affirmative, and stated that suggestions need to be made before March 1<sup>st</sup> of each year.

Councillor Lutz asked if there are any parts of the ethical considerations for Councillors that the Committee has not addressed. Mr. Elrod answered that he does not believe so.

Chairwoman Cain stated that there was an ethics allegation on a former Councillor, but that allegation has become moot, because the person is no longer a City-County Councillor. Councillor Lutz asked if the Committee needs to procedurally strike the allegation. Chairwoman Cain answered in the negative, and stated that the complainant

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withdrew the complaint. Mr. Elrod added that no referral was ever made on the complaint.

There being no further business, and upon motion duly made, the meeting was adjourned at 6:07 p.m.

Respectfully Submitted,

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Ginny Cain, Chairwoman

GC/nsm

- (4) An individual listed in subdivisions (4) through (6) of section 293-321 shall file a statement within sixty (60) days after leaving employment, unless a subsequent office, appointment, or employment requires the filing of a statement of economic interest.

Sec. 293-323. Economic statement of interest --Contents.

(a) The office of corporation counsel shall devise an economic statement of interest form and make that form available from its website. That form shall not materially change between April 1 and May 1 of each year. ~~Councilors shall use the form devised by the office of corporation counsel unless the ethics committee established by section 151-25 adopts an alternative form.~~

(b) The economic statement of interest be made under affirmation and set forth the following information for the period since the previous statement was filed:

- (1) The name of the individual;
- (2) The business address of the individual;
- (3) Any position to which the individual is elected, appointed, or employed;
- (4) The name of the employer of the individual and the nature of the employer's business;
- (5) A statement of whether or not the individual, or any member of his or her immediate family, had a financial interest in any contract with an agency during the past twelve (12) months, other than a contract for employment and, if so, an explanation of the extent of the interest;
- (6) The name of any business entity from which the individual received any compensation which, to the best of his or her knowledge, does or intends to do business with an agency during his or her term of office, appointment, or employment with an agency;
- (7) The name of any business entity in which the individual, or any member of his or her immediate family, owns stocks, bonds, or other investments which constitute ownership of five (5) percent or more of that business or have a value in excess of five thousand dollars (\$5,000.00) and which business entity, to the best of his or her knowledge, is doing or intends to do business with an agency; and
- (8) Additional information the individual chooses to disclose.

(c) The economic statement of interest of ~~councilors and~~ officials also shall include an itemized list stating the amount and brief description of each item of entertainment, food, drink, honoraria, travel expenses, and registration fees accepted by the ~~councilor or~~ official from a person who has a business relationship with any agency; however, the following items need not be listed:

- (1) Items with a face value of less than one hundred dollars (\$100.00); and
- (2) Items that are exempted under subdivisions (2) through (11) of section 293-201(b).

Sec. 293-324. Economic statement of interest --Amendments.

An individual required to file a statement of economic interest shall file an amended economic statement of interest upon discovery of additional information required to be reported.

Sec. 293-325. Economic statement of interest --Review.

(a) After an economic statement of interest is submitted, the office of corporation counsel shall examine the statement to ensure that it is complete, legible, and filed properly and in a timely manner.

*Sanctions* means any of the following actions:

- (1) Canceling a contract, or barring a person from entering into a contract with an agency for a certain period of time;
- (2) Making restitution or disgorgement;
- (3) Removal from office, appointment, or employment;
- (4) Barring an individual from future employment or appointment with the city or county for a certain period of time;
- (5) Revocation or suspension of a license, registration, or permit issued by an agency or barring a person from obtaining such a license, registration, or permit for a certain period of time; or
- (6) Disciplinary action.

*Travel expenses* means the costs of transportation, lodging, and meals. The term includes actual travel expenses or an amount approximating those expenses that would be allowed by travel policies and procedures authorized by the city controller.

SECTION 4. Division 2 of Article III of Chapter 293 of the Revised Code of the Consolidated City and County be, and is hereby, amended by deleting the stricken-through text and inserting the underlined text, to read as follows:

#### DIVISION 2. ECONOMIC STATEMENT OF INTEREST

Sec. 293-321. Economic statement of interest required.

The following persons shall file a written economic statement of interest as provided in this division:

- ~~(1) Councilors and aAny declared candidate for city-county council;~~
- (21) Officials and any declared candidate for elected office;
- (32) Appointees to agencies;
- (43) The chief administrative officer of an agency and any employee who directly reports to the chief administrative officer of an agency;
- (54) Any employee whose employment is subject to the approval of the council; and
- (65) Any employee with final purchasing authority and all employees of the purchasing division of the office of finance and management.

Sec. 293-322. Economic statement of interest-when to file.

The economic statement of interest shall be filed with the office of corporation counsel, as follows:

- (1) Individuals listed in section 293-321 shall file the statement on or before May 1 of each year, but not earlier than April 1 of each year except as necessary to comply with subdivisions (2) through (4) of this section;
- (2) If an individual has not filed under subdivision (1) during the present calendar year and is filing as a candidate for elected office other than councillor, the individual shall file the statement before, or at the same time as, filing a declaration of candidacy under IC 3-8-2, petition of nomination under IC 3-8-6, or declaration of intent to be a write-in candidate under IC 3-8-2-2.5;
- (3) An individual listed in subdivisions (3) through (6) of section 293-321 shall file a statement prior to being appointed to or employed by an agency; and